



# FINAL REPORT

## Home-based Child Care Study Committee

January 2008

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### MEMBERS

Senator Keith A. Kreiman, Co-chairperson  
Senator Staci Appel  
Senator Daryl Beall  
Senator Dave Mulder  
Senator James A. Seymour

Representative Mary Mascher, Co-chairperson  
Representative Mary Gaskill  
Representative Dave Heaton  
Representative Janet Petersen  
Representative Jodi Tymeson

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### AUTHORIZATION AND APPOINTMENT

The Home-based Child Care Study Committee was created by the Legislative Council for the 2007 Legislative Interim and charged to consider options for increasing the number of home-based child care providers who are subject to registration. Not more than \$100,000 was authorized for the costs of research, pilot projects, and other testing of options. The Committee did not utilize the funding authorization. The Committee was initially authorized for two meeting days and requested and received approval to hold a third meeting day. The meetings were held on July 31, October 10, and November 21, 2007.



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### I. July 31, 2007, Meeting

**Overview.** At this initial meeting, the Home-based Child Care Study Committee organized and elected Senator Kreiman and Representative Mascher as co-chairpersons. The primary focus was to learn how the current system of home-based child care operates. Testimony was provided by staff from the National Conference of State Legislatures (NCSL); Department of Human Services (DHS); Office of Community Empowerment and local representatives of the community empowerment initiative; child care resource and referral agencies; and local staff under contract to work with the child care Quality Rating System, Child and Family Policy Center, and Iowa Policy Project.

**National Conference of State Legislators.** Ms. Steffanie Clothier, NCSL Program Director of the Children and Families Program, summarized materials provided by NCSL and the National Child Care Information Center (NCCIC) and related approaches used in other states. She indicated that almost half of states license child care provided to three or fewer children while Iowa requires registration when a provider cares for six or more children at one time. Only five states set the threshold higher than six children. The three main challenges for home-based child care providers are lack of professional support and training, isolation, and insufficient earnings and benefits. She highlighted approaches used in various states to address these challenges and improve quality.

**Department of Human Services.** Mr. Jeff Anderson, DHS Bureau Chief, was joined by other DHS staff and local contractors in describing the regulatory structure for child care, subsidies for low-income families provided by the State Child Care Assistance (CCA) Program, and the recently implemented child care Quality Rating System. The department regulates 1,500 licensed child care centers and preschools and 5,373 registered child development homes with an overall capacity of 143,150 children. The number of unregistered providers is unknown. Full-time staff are not assigned to the regulation of home-based child care as is the case for center-based child care. Instead, DHS field staff has a percentage of their time assigned to home-based child care regulatory activities. Other than criminal and child abuse record checks performed by DHS and certain training requirements, most health and safety requirements are self-applied by providers. Approximately 20 percent of providers receive a spot check visit from DHS staff, typically in response to a complaint. Child development homes are categorized into "A," "B," and "C" categories, with the "C" category denoting the greatest degree of provider qualifications and physical capacity.

**State Child Care Assistance Program.** This DHS program provides subsidies for child care provided to children from families with low incomes whose parents are engaged in work and training programs, seeking employment, employed with low compensation, or are absent or otherwise unable to provide care due to a physical or mental health reason. In FY 2007-2008, \$112 million in state and federal funding is budgeted for the program which provides subsidies on a sliding scale based upon family income for care provided to 41,000 children per year. Based upon law enacted in the 2007 Legislative Session, providers can now elect payment twice per month instead of once per month. Initial information indicates DHS has greatly improved the payment system. Capacity for an electronic payment card should be available next.

**Quality Rating System.** Ms. Mary Janssen from the Child Care Resource and Referral Agency in Waterloo explained how the agency staff works with registered child development homes and licensed centers to support Iowa's voluntary child care Quality Rating System. There are five



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levels of child care facility ratings supported by child care home and nurse consultants and other specialists. These consultants work closely with providers to improve quality rating scores. Since initial implementation in February 2006, 458 homes have received a quality rating. Providers receive a cash incentive for receiving a rating and cash grants are available for needed physical improvements.

**Community Empowerment.** Ms. Shanell Wagler, State Empowerment Facilitator, was joined by Ms. Diane Foss and Ms. Amanda McCandless, from Harrison, Monona, and Shelby Counties, and Ms. Chris Kivett-Berry and Ms. Kristi Tisl, from Linn County, in describing local efforts to support child care quality in their areas. Members of the Committee discussed at length with these presenters the strengths and weaknesses of the current system.

**Child Care Resource and Referral (CCR&R) Agencies.** Ms. Cathy Wheatcraft, Director, CCR&R of Central Iowa, and Ms. MariLynn Pierce, CCR&R of Northeast Iowa, provided an overview of the CCR&R role in the system and recommendations and options for changing the overall system. There are five CCR&R agencies under contract with DHS to provide resource and referral services to parents, child care providers, and communities. The options discussed addressed minimum health and safety requirements and quality and ranged from reducing the maximum number of children who can be cared for by an unregistered provider to increasing the number of staff working to support quality child care.

**Child and Family Policy Center.** Ms. Sheila Hansen and Ms. Tiffany Smith, Child and Family Policy Center in Des Moines, discussed the importance of quality early childhood programs in promoting the healthy development of children and identified the financial aspects affecting parents. Policy considerations offered include increasing the basic income eligibility for CCA from 145 to 200 percent of the federal poverty level; increasing CCA reimbursement to the current market rate; supporting family, friend, and neighbor child care; and supporting the recently enacted voluntary preschool program for four-year-old children (2007 Iowa Acts, ch. 148 (H.F. 877); 2007 Code Supplement, ch. 256C)

**Iowa Policy Project Report.** Ms. Kristi Lohmeier, Iowa Policy Project in Mount Vernon, discussed a recently issued report titled “Bridging the Gaps in Iowa” relating to working families not having sufficient resources to meet their needs and obligations. She highlighted the report findings that relate to child care: that Iowa is more restrictive on income eligibility for CCA than all but nine other states and over half of low-income Iowans remain below a basic family budget even with work supports such as child care subsidies.

## II. October 10, 2007, Meeting

**Overview.** At the second meeting, testimony was provided by researchers from Iowa State University (ISU), the executive director of the National Association of Child Care Resource and Referral Agencies (NACCRRA), DHS, field staff involved with regulation of home-based child care, and a panel of registered child development home providers and parents.

**Iowa State University.** Ms. Kathlene Larson, Research Coordinator for the Community Development – Data Information & Analysis Laboratory (CD-DIAL), and Ms. Susan Hegland, Ph.D., Associate Professor, College of Human Services, both at ISU, discussed findings from research relating to home-based child care in Iowa. Their presentation included the following information concerning home-based or family child care:



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- Average provider education is slightly beyond high school with providers averaging a net profit of \$5,259, which translates to \$2.02 per hour on a 50-hour workweek.
- They estimate the home-based provider turnover rate is between 20-40 percent and outlined the benefits of reducing that rate, suggesting that individual and program-level incentives can be used.
- Little information is available concerning unregistered providers, but the available information suggests that quality is likely to be lower than for registered providers.
- The top two reasons given for closing home-based child care businesses were insufficient pay and the challenges of juggling a home-run business and family needs.
- They stressed the public policy benefits of increasing the numbers of quality child development homes; of offering choices to parents while meeting parent expectations for a safe environment; the current voluntary registration system with little monitoring is confusing and frustrating; and recommended balancing any improvements made using a combination of incentives, regulation, and monitoring rather than one or another.

**Iowa Empowerment Business Initiative.** Ms. Wagler and Ms. Beth Jones of the Iowa Empowerment Office discussed upcoming plans to increase business involvement in child care and other forms of early care. Among the models being considered are the matching approach used with the Vision Iowa and Grow Iowa Values Funds. Various statewide businesses have indicated interest in being "messengers" for the effort.

**Parent Expectations Concerning Child Care.** Ms. Linda Smith, Executive Director, NACCRRRA, presented from Arlington, Virginia, via telephone concerning recent research. Her presentation included the following:

- Nationally, the quality levels in child care are low, most settings are unlicensed and not inspected, wages are low, providers typically have little or no advanced training, and there are usually no provider background screenings.
- Parents want choices and view themselves as responsible for child care but feel government and communities can help them. Parental first impressions are made on cost, cleanliness, and location, but parents also emphasized interactions, learning, individualized attention, and beliefs that child care is regularly inspected and providers are trained.
- NACCRRRA believes that high turnover among providers is due to lack of preparation as much as low wages; at least 40 hours of training is recommended before a home-based child care business commences.
- Self-certification by providers and lack of enforcement are indicators of a weak system, and military child care subsidies are not available to providers without regular regulation.

**Regulatory Staff.** DHS staff Mr. Larry Hansen, Social Worker, Polk County, and Ms. Ellen Picray, Social Work Supervisor, Kossuth County, discussed the regulatory processes used in their areas. Mr. Hansen is assigned full-time to child care regulation and makes random visits and Ms. Picray's office responds primarily to complaints using staff normally assigned to child welfare. Most problems are not serious enough to warrant revocation and prohibition against providing child care, but can involve follow-up visits. Dedicated staff should be used for this regulatory function.



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**Child Development Home and Parent Panel.** This panel was organized and moderated by Ms. Robin Clark-Bennett, American Federation of State, County, and Municipal Employees (AFSCME). Child development home provider panelists included Ms. Vicki Harris, Fort Dodge; Ms. Brenda Smith, Stanhope; Ms. Jill Dodds, Coralville; and Mr. Matt Tapscott and Ms. Kathleen Brown of Des Moines. The parents, Ms. Heather Daughbaugh, Ms. Georgette Longnecker, and Ms. Melissa Cook, were all from the Des Moines area.

The testimony included the following:

- Home-based child care provides care in Iowa for approximately 100,000 children, making it the most frequently used option among those available.
- Many advantages of family child care were highlighted including continuity of care, small numbers, a loving and caring environment, and flexible scheduling.
- Presenters strongly recommended requiring more providers to register, viewing registration as the first threshold for routine inspection. Currently, highly committed registered providers can receive as many as six separate inspections while unregistered providers are not inspected at all.
- Other recommendations made for stabilizing and improving home-based child care were: create access to health insurance for providers; improve reimbursement and administration of the subsidized CCA Program; and use quality improvement funding to create a meaningful career ladder with provider involvement. In discussion it was noted that the assistance program has a statewide rate schedule that may reimburse at adequate levels for rural areas but can be inadequate for certain urban areas.

**Discussion.** Members discussed recommendations made during the evening and in the prior meeting and asked legislative and executive branch staff to perform fiscal analysis of a lengthy list of items for the next meeting when recommendations would be discussed.

### III. November 21, 2007, Meeting

**Overview.** At the third and final meeting, the Committee received follow-up information about testimony and questions raised at previous meetings, discussed cost projections about potential recommendations, and tentatively approved recommendations to the General Assembly.

**Early Childhood Iowa (ECI) Policy Brief.** Ms. Alicia Lewis, Children and Families of Iowa, Inc., represented ECI's Quality Services and Programs Subcommittee in discussing a policy brief recently issued by the subcommittee. The brief lists areas of agreement among parents, providers, policymakers, and researchers concerning nine aspects of Iowa's child care system involving needs, shortcomings, and quality; identifies what is known about each aspect; and indicates what needs to be done to address each aspect according to the subcommittee. She was asked to prioritize what needs to be done and identified exploring a move to a system of licensing regulation for child care centers and home-based child care providers: until licensing is implemented, begin by maintaining a database of all child care providers for public health and community emergency notification purposes; and increasing on-site inspections of child care providers by DHS.



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**Association of Federal, State, County, and Municipal Employees.** Ms. Clark-Bennett, AFSCME Council 61, was joined by three registered child care home providers who are AFSCME members, Ms. Kathleen Brown, Ms. Terry LaBelle, and Ms. Kay Strahorn, in discussing recommendations and suggestions offered to the Committee to improve the home-based system. They identified new incentives to keep quality providers engaged, measures to improve the checklist used by DHS to assess home-based providers, and ways to enhance training and other measures to support quality providers in remaining with the system for longer periods. Members asked for conjectures as to why providers do not register. The presenters said reasons heard include fear of the system, disinterest in being told what to do, lack of time, rewards are not worth the effort, and unwillingness to “go back to school” for training.

**Healthy Child Care Iowa.** Ms. Sally Clausen, Department of Public Health (DPH), described how the system of child care nurse consultants operates and is funded. The approximately 33 full-time equivalent positions are primarily funded by federal Title V and grants through the Community Empowerment Initiative. Among other consultations, the nurse consultants are very significant in working with child care quality ratings.

**Potential Recommendations — Fiscal Projections.** Ms. Lisa Burk, Legislative Services Agency, Fiscal Services Division, and Mr. Jeff Anderson, Child Care Program Manager, DHS, discussed information they developed in response to the Committee's requests for fiscal projections for potential recommendations identified by the Committee during its October meeting.

**Recommendations.** Both the House Democrats and Republicans distributed lists of recommendations. The meeting was recessed for party caucuses. Following the caucuses, the Democratic proposal was revised orally with the understanding that members would have a chance to review and express their approval or disapproval of a written report following the meeting. After that, the approved recommendations would be drafted as proposed legislation and submitted to the General Assembly on behalf of the Committee. The proposal was approved unanimously.

## IV. Recommendations

1. **Corporal Punishment.** Elimination of corporal punishment in nonregistered child care homes with the exception of family members dealing with their own children. (Corporal punishment is already prohibited by rule in registered child development homes and licensed child care centers.)
2. **Signage in Provider Homes.** Posting in all provider homes:
  - Stating that the provider is or is not registered, with the exception of family members who only take care of children within their own family.
  - Stating that corporal punishment is not allowed in nonregistered child care homes (include exception for family members dealing with their own children).
3. **Sex Offenders.** Prevent registered sex offenders from interacting with children in licensed, registered, or nonregistered child care providers.
  - Make it an aggravated misdemeanor for a licensed, registered, or nonregistered child care provider to allow a registered sex offender to be in the center or home or on the provider's property during the hours in which children are in attendance.



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- Make it illegal for a person who is a registered sex offender to be in the center or home or on the property of a licensed, registered, or nonregistered provider during the hours in which children are in attendance except to drop off or pick up a family member who attends the child care provider.
- Exceptions:
  - The person is transporting a minor who is a child of the person to or from the child care provider.
  - The person is attending a parent-teacher conference regarding a minor who is a child of the person.
  - The person has been summoned to discuss the academic or social progress of a minor who is a child of the person.
  - The person is voting at the building in which the child care provider is located during the hours designated to vote.

If the person intends to be present for any other reason not enumerated above, the person shall first notify the administrative offices of the child care provider that the person intends to be present on the real property comprising the child care provider, and the person shall receive written permission from the child care provider prior to entering onto the real property comprising the child care provider.

### 4. Establish a Workgroup

- Provide up to \$100,000 for the Department of Human Services, working in partnership with the Departments of Education, Human Rights, and Public Health and the Iowa Empowerment Board, to jointly establish a workgroup to address possible implementation of a mandatory system of registration for child care providers or a voluntary licensure system.
- The workgroup membership shall include representatives of the state child care advisory council and representatives of registered and nonregistered providers.
- The workgroup shall submit a report with findings and recommendations to the Governor and General Assembly on or before December 15, 2008, regarding issues addressed by the workgroup.
- The workgroup shall address the implementation issues associated with a mandatory change in child care. The issues considered shall include but are not limited to planning for the phase-in of and costs for additional inspection visits of child development homes, increased expense for state child care assistance slots, state child care assistance reimbursement methodologies to reward quality, and other implementation issues.
- The workgroup shall cooperate with early childhood stakeholders and the private sector in addressing the many publicly supported programs and services directed to early childhood and issues involved with redirecting the programs and services to be part of a cohesive child care system.



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- The issues addressed shall include professional development of workers, improving the workforce, ensuring articulation between programs, meeting the needs of both children and parents, enhancing community engagement to support early childhood, and other efforts to address early childhood needs with a coordinated system.

In addition, the workgroup should explore the following issues:

- Use of the Internet to provide information to child care providers, opportunity to register online, and training information.
- Creation of a database of all providers.
- Streamline and coordinate inspections of in-home child care providers.
- Providing health care insurance for providers and their workers.
- Educating the public on the advantages of using a registered child care provider.
- Developing possible sanctions for violations at child care facilities short of closing them down.
- Requiring a state and federal fingerprint background check for all licensed and registered child care providers, as well as nonregistered providers caring for kids on the state child care program.
- Provide additional opportunities/resources for child care providers and instruct Iowa State University Extension, child care resource and referral agencies, and community colleges to expand continuing education opportunities at times the providers are not providing care.
- Implementation of an electronic benefit transfer program to pay for state child care assistance.

### **V. Materials Filed With the Legislative Services Agency**

The following materials listed were distributed at or in connection with the Committee's three meetings and are on file with the Legislative Services Agency. The materials may be accessed from the <Additional Information> link on the Committee's Internet web page:

<http://www.legis.state.ia.us/aspx/Committees/Committee.aspx?id=218>

#### **July 31, 2007, Meeting**

1. Midwest Child Care Consortium Research on IA Child Care Characteristics and Quality - Executive Summary.
2. Midwest Child Care Consortium Research on IA Child Care Characteristics and Quality - Recommendations Only.
3. Background Information Memo, John Pollak, LSA Legal Services.
4. NCSL Presentation Slides.
5. Institute for Women's Policy Paper (Executive Summary) on Local & State Strategies to Improve the Quality of Child Care.



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6. Research Paper, Supporting Family, Friend and Neighbor Caregivers: Findings from a Survey of State Policies, Institute for a Child Care Continuum.
7. Information response e-mail from National Child Care Information Center (NCCIC).
8. Iowa Child Care Licensing Profile Excerpt from 2005 National Child Care Survey.
9. National Association of Child Care Resource & Referral Agencies (NACCRRA) 2007 Iowa Profile and Ranking.
10. NCCIC Paper — Impact of Increased Licensing Regulations on the Quality, Quantity, and Cost of Child Care.
11. NCCIC family child care table and definitions.
12. NCCIC & National Association for Regulatory Administration 2005 National Child Care Survey Executive Summary.
13. National Association on the Education of Young Children Position Paper on Licensing and Public Regulation of Early Childhood Programs.
14. Research Paper: Measuring Quality in Family, Friend, and Neighbor Child Care, National Center for Children in Poverty.
15. Child Care Bureau Bulletin: Systematic Approaches to Improving Quality of Care — QRS Gains Ground Across the Nation.
16. DHS — Presentation Slides.
17. DHS Child Care Quality Rating System (QRS) Brochure.
18. Presentation Outline — Mary Janssen, QRS Specialist, Waterloo.
19. DHS — State Child Care Assistance Program — DHS forms for providers.
20. Issue Review: Child Care Assistance Program, Lisa Burk, LSA Fiscal Services, January 2007.
21. DHS Child Development Home Policy Manual.
22. DHS — Parent Guide to Child Development Home Registration.
23. DHS — Child Development Home Provider Packet - application, check list, and other forms.
24. Materials distributed by MariLynn Pierce, Child Care Resource & Referral Agency, Region 2 in Waterloo.
25. Materials distributed by Cathy Wheatcraft, Child Care Resource & Referral Agency, Region 4 in Des Moines.
26. Child and Family Policy Center, Every Child Counts, Presentation Slides.
27. Policy Project Report: Bridging the Gap in Iowa, The Iowa Policy Project, June 2007.
28. Iowa Policy Project - presentation slides.
29. H.F. 922 and amendments — 2007 legislation before the Iowa House of Representatives.
30. State Empowerment Staff, Shanell Wagler – materials distributed.



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31. Harrison, Monona, Shelby County Empowerment Board — Home-based Child Care, Diane Foss.
32. Linn County Empowerment, Hawkeye Area CAP — PACES Program, Kristi Tisl.

### **October 10, 2007, Meeting**

33. Benefits, Rewards, and Supports Report Iowa State University Community Development – Data Information and Analysis Laboratory Executive Summary.
34. Benefits, Rewards, and Supports Iowa State University Community Development – Data Information and Analysis Laboratory Full Report (110 pgs).
35. Iowa State University Community Development – Data Information and Analysis Laboratory–Presentation Materials.
36. Iowa Empowerment Board — Business Community Investment Advisory Council Report.
37. NACCRRRA's National Parent Poll.
38. NACCRRRA's Focus Group Report on What Parents Think About Child Care.
39. NACCRRRA Presentation Slides.
40. DPH Information — Child Care Nurse Consultants.
41. DHS Information — Provider Background Checks Among the States.
42. DHS Information — Quality Rating System — Pet Policy.
43. DHS Information — Electronic Benefit Transfer Policy Considerations.
44. DHS Information — Training Requirements.
45. DHS Information — Checklist For Child Development Home Registration.
46. NCSL Follow-up Information from July Meeting.
47. National Association for Family Child Care Quality Standards Manual Excerpt distributed by Vicki Harris.
48. Registered Child Development Home Providers and Parents — AFSCME — Presentation Materials.

### **November 21, 2007, Meeting**

49. Early Childhood Iowa policy brief on child care.
50. Family Resource Center Comments on DHS Child Development Home Checklist.
51. AFSCME follow-up information.
52. Kay Strahorn e-mail proposal.
53. LSA Fiscal Services Division — Fiscal Estimates for Potential Recommendations.
54. DHS Responses Regarding Health Insurance, Registration Incentives, MO Training Requirements, & Urban/Rural Rates.
55. LSA Legal Services Division summary of H.F. 922 plus bill and amendments.



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56. Representatives Heaton and Tymeson recommendation proposal.
57. Democratic recommendation proposal.

3670IC

SENATE/HOUSE FILE \_\_\_\_\_  
BY (RECOMMENDED BY HOME-BASED  
CHILD CARE STUDY COMMITTEE  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child care by revising requirements for child  
2 care homes and child development homes, restricting the  
3 presence of certain registered sex offenders on the premises  
4 of child care providers, and providing penalties and an  
5 appropriation.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 237A.3B CHILD CARE HOMES AND  
2 CHILD DEVELOPMENT HOMES -- REQUIREMENTS.

3 1. Each child care home or child development home provider  
4 shall conspicuously post signage in the home providing all of  
5 the following:

6 a. Identification of the provider as an unregistered child  
7 care home or a registered child development home.

8 b. Information expressly stating that the provider is  
9 prohibited from inflicting corporal punishment on a child  
10 receiving child care and listing the prohibited forms of  
11 corporal punishment identified in section 237A.18. The  
12 information shall also explain how to file a complaint with  
13 the department if the provider is alleged to have inflicted  
14 corporal punishment on a child other than a child for whom the  
15 provider is the child's parent, guardian, or custodian.

16 2. This section does not apply to a person who is only  
17 providing care to one or more children for whom the person is  
18 the parent, guardian, or custodian.

19 Sec. 2. Section 237A.5, subsection 2, paragraph a,  
20 subparagraph (3), Code 2007, is amended by adding the  
21 following new subparagraph subdivision:

22 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been  
23 determined, through an investigation by the department of a  
24 complaint, a child abuse assessment, or the existence of a  
25 criminal record, to have inflicted corporal punishment as  
26 described in section 237A.18 on an individual receiving child  
27 care from the person.

28 Sec. 3. NEW SECTION. 237A.18 CORPORAL PUNISHMENT.

29 1. For the purposes of this section, "corporal punishment"  
30 includes but is not limited to spanking, slapping, shaking,  
31 punishment which is humiliating or frightening, using  
32 restraints, or enclosing a child in a locked area.

33 2. A person who operates, is employed by, or resides in a  
34 child care home, child development home, or child care center  
35 shall not inflict corporal punishment on an individual

1 receiving care from the child care home, child development  
2 home, or child care center. This section does not apply to  
3 corporal punishment inflicted on an individual by a person who  
4 is the individual's parent, guardian, or custodian.

5 3. A person who has inflicted corporal punishment on an  
6 individual receiving care from the child care home, child  
7 development home, or child care center in violation of this  
8 section, as determined through an investigation by the  
9 department of a complaint, a child abuse assessment, or  
10 existence of a criminal record, may be subject to prohibition  
11 of involvement with child care in accordance with section  
12 237A.5.

13 Sec. 4. NEW SECTION. 692A.3B PRESENCE ON THE REAL  
14 PROPERTY COMPRISING A CHILD CARE FACILITY OR CHILD CARE HOME  
15 -- RESTRICTION.

16 1. As used in this section, "child care provider" includes  
17 a "child care center", "child care home", "child development  
18 home", and "preschool" as those terms are defined in section  
19 237A.1, and a "child care program" as defined in section  
20 279.49 and authorized in section 280.3A.

21 2. A person required to register under this chapter who  
22 has been convicted of a criminal offense against a minor, or  
23 an offense involving a minor that is an aggravated offense,  
24 sexually violent offense, or other relevant offense, shall not  
25 be knowingly present on the real property comprising a child  
26 care provider, unless subsection 3 applies or any of the  
27 following apply:

28 a. The person is transporting a minor who is a child of  
29 the person to or from the child care provider.

30 b. The person is attending a child care provider  
31 conference regarding a minor who is a child of the person.

32 c. The person has been summoned to discuss the  
33 developmental activity or social progress of a minor who is a  
34 child of the person.

35 d. The person is voting in the building in which the child

1 care provider is located during the hours designated to vote.

2 3. If the person intends to be present for any other  
3 reason not enumerated in subsection 2, the person shall first  
4 notify the person in charge of the child care provider that  
5 the person intends to be present on the real property  
6 comprising the child care provider, and the person shall  
7 receive written permission from the child care provider prior  
8 to entering onto the real property comprising the child care  
9 provider.

10 4. A person who commits a violation of this section  
11 commits an aggravated misdemeanor.

12 Sec. 5. CHILD CARE WORKGROUP. There is appropriated from  
13 the general fund of the state to the department of human  
14 services for the fiscal year beginning July 1, 2008, and  
15 ending June 30, 2009, the following amount, or so much thereof  
16 as is necessary, to be used for the purpose designated:

17 For costs associated with the child care workgroup  
18 established pursuant to this section:

19 ..... \$ 100,000

20 1. a. The department of human services, in partnership  
21 with the departments of education, human rights, and public  
22 health and the Iowa empowerment board, shall establish a  
23 workgroup to address implementation of the provisions of this  
24 Act and the issues identified in this section. The workgroup  
25 membership shall also include representatives of the state  
26 child care advisory council and representatives of registered  
27 and nonregistered child care providers.

28 b. The workgroup shall submit a report with findings and  
29 recommendations to the governor and the general assembly on or  
30 before December 15, 2008, to address possible implementation  
31 of a mandatory system of registration for home-based child  
32 care providers or a voluntary licensure system and the other  
33 issues addressed by the workgroup in accordance with this  
34 section.

35 c. The workgroup shall address the implementation issues

1 associated with a change in child care regulation to mandatory  
2 registration as described in paragraph "b". The issues  
3 considered shall include but are not limited to planning for  
4 the phase-in of and costs for additional inspection visits of  
5 child development homes, increased expenses for state child  
6 care assistance program slots, revising state child care  
7 assistance program reimbursement methodologies to reward  
8 quality, and other implementation issues.

9 2. a. The workgroup shall cooperate with early childhood  
10 stakeholders and the private sector in addressing the many  
11 publicly supported programs and services directed to early  
12 childhood and issues involved with redirecting the programs  
13 and services to be part of a cohesive child care system.

14 b. The issues addressed shall include professional  
15 development of workers, improving the workforce, ensuring  
16 articulation between programs, meeting the needs of both  
17 children and parents, enhancing community engagement to  
18 support early childhood, and other efforts to address early  
19 childhood needs with a coordinated system.

20 3. In addition, the workgroup shall explore other issues,  
21 including but not limited to all of the following:

22 a. Using the internet to provide information to child care  
23 providers, capacity for providers to register with the  
24 department of human services via the internet, and training  
25 information.

26 b. Creating a database of all child care providers.

27 c. Streamlining and coordinating inspections of home-based  
28 child care providers.

29 d. Providing health care insurance for providers and their  
30 workers.

31 e. Educating the public on the advantages of using a  
32 registered child care provider.

33 f. Developing possible sanctions for violations at child  
34 care facilities other than closing the facilities.

35 g. Requiring a state and federal fingerprint-based

1 background check for all licensed and registered child care  
2 providers, as well as nonregistered providers caring for  
3 children through the state child care assistance program.

4 h. Providing additional opportunities and resources for  
5 child care providers and instructing the Iowa state university  
6 of science and technology cooperative extension service in  
7 agriculture and home economics, child care resource and  
8 referral agencies, and community colleges to expand continuing  
9 education opportunities offered at times the providers are not  
10 providing care.

11 i. Implementing an electronic benefit transfer program to  
12 pay for state child care assistance.

13 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
14 3, shall not apply to this Act.

15 EXPLANATION

16 This bill relates to child care by revising requirements  
17 for child care homes and child development homes, restricting  
18 the presence of certain registered sex offenders on the  
19 premises of child care providers, and providing penalties and  
20 an appropriation.

21 Code section 237A.5, relating to records checks and other  
22 provisions involved with prohibiting certain persons from  
23 involvement with child care, is amended to include inflicting  
24 of corporal punishment as described in the bill's new Code  
25 section 237A.18 in the list of transgressions that must be  
26 evaluated by the department of human services to determine if  
27 the transgression warrants prohibition of the person's  
28 involvement with child care.

29 New Code section 237A.18 defines the term "corporal  
30 punishment", prohibits any person providing child care or  
31 living where child care is provided from inflicting corporal  
32 punishment on children receiving care, and states that such a  
33 person who inflicts corporal punishment may be prohibited from  
34 involvement with child care. The provision does not apply to  
35 corporal punishment inflicted on an individual by the person

1 who is the individual's parent, guardian, or custodian.

2 For purposes of new Code section 692A.3B, the term "child  
3 care provider" is defined using terms from Code chapter 237A  
4 to include a "child care center" (a facility providing child  
5 care or preschool services for seven or more children, except  
6 when the facility is registered as a child development home),  
7 "preschool" (a licensed center or registered child development  
8 home providing programs to children ages three through five  
9 for up to three hours per day), "child development home" (a  
10 registered home that may provide child care to six or more  
11 children at any one time), or "child care home" (a home in  
12 which child care is provided to five or fewer children at any  
13 one time that is not registered). These terms are defined in  
14 Code section 237A.1. In addition, "child care provider"  
15 includes child care operated by or contracted for by a school  
16 board or the authorities in charge of an accredited nonpublic  
17 school, provided the child care meets standards adopted by the  
18 state board of education.

19 New Code section 692A.3B provides that a registered sex  
20 offender who has been convicted of a criminal offense against  
21 a minor, or an offense involving a minor that is an aggravated  
22 offense, sexually violent offense, or other relevant offense,  
23 shall not be present on the real property comprising a child  
24 care provider. However, the following exceptions are  
25 provided: (1) a sex offender may be present on child care  
26 provider property if the sex offender is transporting the  
27 offender's child to or from the child care provider, the  
28 offender is attending a child care provider conference, the  
29 sex offender is summoned to discuss the developmental activity  
30 or social progress of the offender's child, or the sex  
31 offender is voting in an election during the designated hours  
32 to vote; and (2) if a sex offender is to be present on the  
33 real property of a child care provider for any other reason,  
34 the sex offender must first receive written permission from  
35 the administration of the child care provider prior to

1 entering onto the property.

2 A person who violates new Code section 692A.3B commits an  
3 aggravated misdemeanor. An aggravated misdemeanor is  
4 punishable by confinement for no more than two years and a  
5 fine of at least \$625 but not more than \$6,250.

6 An appropriation is provided to the department of human  
7 services to establish a workgroup in partnership with the  
8 departments of education, human rights, and public health and  
9 the Iowa empowerment board. The workgroup is required to  
10 address possible implementation of a mandatory system of  
11 registration for home-based child care providers or a  
12 voluntary licensure system and numerous other child care  
13 issues. The workgroup is required to report to the governor  
14 and general assembly on or before December 15, 2008.

15 The bill may include a state mandate as defined in Code  
16 section 25B.3. The bill makes inapplicable Code section  
17 25B.2, subsection 3, which would relieve a political  
18 subdivision from complying with a state mandate if funding for  
19 the cost of the state mandate is not provided or specified.  
20 Therefore, political subdivisions are required to comply with  
21 any state mandate included in the bill.

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